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January 14, 2009

Honorable Carol E. Jackson  
United States District Judge  
United States District Court  
Eastern District of Missouri  
Thomas F. Eagleton U.S. Courthouse  
111 South Tenth Street  
St. Louis, MO 63102

Re: *In re BankAmerica Corp. Securities Litigation*, MDL No. 1264

Dear Judge Jackson:

As counsel for the NationsBank lead plaintiffs and as liaison counsel on behalf of the BankAmerica lead plaintiffs, we have prepared this bi-monthly report as directed in Judge Nangle's Order dated August 18, 2004. The following amounts are counsel's best estimates as of the date of this letter based on information received from the Claims Administrator.

**NationsBank Class**

Amount mailed to shareholders on July 16, 2004:	\$275,770,689.41
Amount returned or added due to:	
a. inability to locate recipient:	
i. report of death from locator service:	\$ 10,824.97
ii. locator service unsuccessful in locating:	\$ 6,806.31
b. duplicate payments:	\$ 17,710,862.91
c. Lagerveld recovery (including interest)	\$ 437,690.23
U.S. Bank interest earned since July 16, 2004:	\$ <u>1,667,440.41</u>
	\$ 19,833,624.83
 Bank of America Trust Department claims paid:	 \$ (9,535,704.51)
Walter A. DeRoeck, <i>et al.</i> , claim paid:	\$ (578,654.64)
Adjustments to amounts paid:	\$ (1,078,228.66)
U.S. Bank charges and fees:	\$ (289,152.63)
Checks in process with bank	\$ -0-

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Thompson/Mills/Owen (October 4, 2006 Order)	\$ (101,010.14)
Reissued Checks:	\$ (990,449.21)
Administrator fees and costs and adjustment:	<u>\$ (317,498.34)</u>
	\$ (12,890,698.13)
<b>Surplus as of November 30, 2008</b>	<b>\$ 6,942,926.70</b>

#### BankAmerica Class

Amount mailed to shareholders on July 16, 2004:	\$129,135,836.30
Amount returned or added due to:	
a. inability to locate recipient:	
i. report of death from locator service:	\$ 1,057.70
ii. locator service unsuccessful in locating:	\$ 4,764.82
b. duplicate payments:	\$ 14,331,609.76
Amount withheld for Administrator expenses (estimate):	\$ 156,095.90
Interest earned since distribution:	<u>\$ 951,500.45</u>
	\$ 15,445,028.63
Bank of America Trust Department claims paid:	\$ (1,754,027.48)
Adjustments to amounts paid:	\$ (377,585.38)
Bank charges and fees:	\$ (25.00)
Checks in process:	\$ -0-
Thompson/Mills/Owen (October 4, 2006 Order):	\$ (632.89)
Reissued Checks:	\$ (56,512.31)
Administrator expenses:	\$ (167,455.00)
Second Distribution:	<u>\$ (10,000,000.00)</u>
	\$ (12,356,238.06)
<b>Surplus as of November 30, 2008</b>	<b>\$ 3,088,790.57</b>

#### Final Distributions

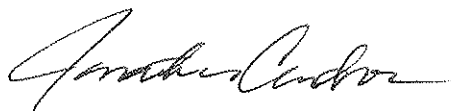
The Court entered an Order on June 16, 2008 directing the Claims Administrator to distribute an additional \$5 million to Nationsbank Class claimants entitled to receive \$100 or more, and an additional \$2 million to BankAmerica Class claimants entitled to receive \$100 or more and reissue certain checks as directed in the Order. The Court subsequently entered an Order on August 6, 2008 staying the execution of its June 16, 2008 Order and suspending further distributions of settlement funds until further notice.

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**U.S. Attorney's Office**

As we previously advised the Court, the Claims Administrator and its counsel informed us in June, 2008 that the U.S. Attorney in Philadelphia had uncovered a scheme to defraud several class action settlements by filing false claims, including in the *BankAmerica* case. We immediately called Judge Nangle and told his clerk of this investigation. Shortly after we contacted Judge Nangle, he entered the Order dated June 16, 2008 [Doc. 694], a copy of which is also enclosed. Indictments have been issued and we understand the U.S. Attorney's investigation is ongoing.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Jonathan F. Andres', written in a cursive style.

Jonathan F. Andres

cc: Stephen T. Rodd, Esq. (via fax)  
Michael E. Hamer (via fax)  
Robert Abrams, Esq. (via fax)  
Martin M. Green, Esq.  
Joe D. Jacobson, Esq.